

DEC 27 2016

A091 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT *David J. Bradley, Clerk of Court*
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

V.

Maria D. ORTIZ

&

Salvador ORTIZ III

CRIMINAL COMPLAINT

Case Number: *2:16-mj-1585*

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about December 26, 2016 in Brooks County, in the

(Date)

Southern District of Texas defendant, **Maria D. ORTIZ**
Salvador ORTIZ III

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:

See Attached Affidavit of U.S. Border Patrol Agent

Eberto Cabello

Continued on the attached sheet and made a part of this complaint:

Yes No

Signature of Complainant

Eberto Cabello

Printed Name of Complainant

Sworn to before me and signed in my presence, and probable cause found on the:

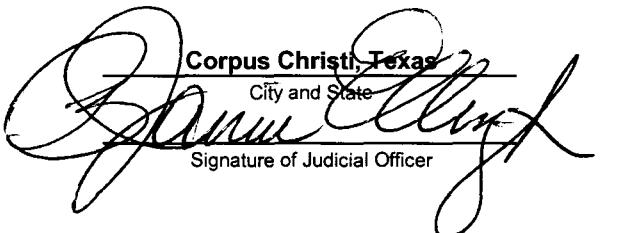
December 27, 2016
Date
B. Janice Ellington U.S. Magistrate Judge
Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State

Signature of Judicial Officer



AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

SYNOPSIS:

On December 26, 2016, a Border Patrol Agent (BPA) was working at the Falfurrias, Texas Border Patrol Checkpoint. At approximately 1:15 P.M., a 2006 silver Mercedes approached the primary inspection lane for an immigration inspection. A service canine alerted to the vehicle during the inspection. A subsequent search revealed two people hidden under luggage in the cargo area. The two people were found to be illegally present in the United States and were placed under arrest.

FACTS/PROBABLE CAUSE:

BPA Collin Mauck was assigned primary immigration inspection duty at the Falfurrias, Texas Border Patrol Checkpoint. Working alongside BPA Mauck was BPA Lucio Campos and his service canine.

At approximately 1:15 P. M., a silver Mercedes approached the primary lane inspection point for an immigration inspection of its occupants. BPA Mauck observed five total occupants in the vehicle, three of which were adults and two minor children. BPA Mauck began his inspection by asking the occupants if they were United States Citizens. The driver, later identified as Maria Ortiz, and the two adult passengers stated they were United States Citizens.

BPA canine handler Lucio Campos simultaneously conducted a non-intrusive free air sniff of the conveyance with his service canine. BPA Campos informed BPA Mauck that his canine alerted and indicated to the rear cargo area of the vehicle. BPA Mauck attempted to look into the vehicle's cargo area but his view was obstructed by luggage. BPA Mauck asked Maria Ortiz to open the rear hatch. Maria Ortiz unlocked the rear hatch and upon opening the hatch, Agents Mauck and Campos discovered a person covered by a blanket hidden under pieces of luggage. Checkpoint agents responded to the call for assistance and removed the driver, front seat passenger, back seat passenger along with her two children from the vehicle and escorted them inside the checkpoint. The vehicle was moved over to the secondary inspection for further inspection. The search yielded discovery of two people hidden under the luggage. They were determined the two were undocumented aliens illegally present in the United States.

The two adult passengers were identified as Salvador Ortiz III and Angel Marie Ortiz both children of Maria Ortiz. Angel Maria Ortiz was traveling with her two minor children.

STATEMENT BY DEFENDANT: Maria Ortiz

Maria Ortiz was read her rights as per Service Form CBP I-214 by Border Patrol Agent Mathew Cooze and witnessed by Agent Robert Cortez. She signed stating that she read and understood her rights. Ortiz stated she was willing to make a statement at that time.

Ortiz stated she was approached by her ex-husband, Salvador Ortiz SR yesterday (12/25/2016). She stated Salvador Ortiz SR offered her a job to run two aliens through the checkpoint and onward to Houston, Texas for \$600 dollars. She explained that Salvador Ortiz went and picked

up the two subjects the previous night and then brought them back to the property. The two aliens were placed in a trailer in the back of the property. Ortiz stated there is currently no power (electric) or running water at the trailer but it has furniture. Ortiz provided an address in Alton, Texas for the trailer. Ortiz stated they decided to go north the day of their apprehension. At approximately 11:30 that morning, her son, Salvador Ortiz III, placed the two subjects in the back of the vehicle and they left to go to Houston, Texas. Ortiz stated that she was going to give her son \$200 dollars for his involvement in the smuggling arrangement.

STATEMENT BY DEFENDANT: Salvador Ortiz

Ortiz was read his rights as per Service Form CBP I-214 by Border Patrol Agent Mauck and witnessed by Agent Lucio Guerra. He signed stating that he read and understood his rights but stated he was unwilling to make a statement at that time without an attorney present. No statement was obtained.

MATERIAL WITNESS STATEMENTS:

Juan Carlos Alonso-Duenas was interviewed and provided the following information in a video recorded interview:

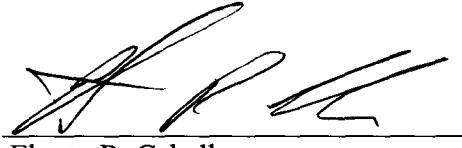
Alonso-Duenas stated he crossed the river on a boat with his brother and ten other aliens four days ago. They were picked up by a gray Ford Explorer and driven 30 minutes away to an unknown location. They were taken to an abandoned house where they all stayed for three days. Alonso-Duenas stated they were fed once a day by an unidentified Hispanic male. The same male appeared to be the one in charge. The day of his arrest, the same male woke him up and told him they were leaving today. Alonso-Duenas and his brother were walked to a small SUV and placed in the rear of the vehicle where they waited for over an hour. The male told them not to move, not to talk or make any noise. The vehicle started moving and did not stop until they were arrested at the checkpoint. Alonso-Duenas stated that he was in fear for his life but claims he was able to breathe and knew how to open the vehicle in case of an emergency.

Marcos Alonso-Duenas was interviewed and provided the following information:

ALONSO-DUENAS stated they entered the country on Wednesday by crossing the river, walked for 20 minutes and were then picked up by a gray Ford Explorer. They were taken to an abandoned trailer. They stayed in the trailer for approximately two days. The unidentified male in charge of the trailer, fed and charged them \$2,000.00 each to be taken to Austin, Texas. They paid \$700.00 in cash at the trailer and agreed to pay the remainder in Austin. The day of their arrest, he was woken early and was instructed to get ready to go north. They left the trailer and walked for four blocks until they arrived at the vehicle. They were told to get in the back of the vehicle and remain quiet. They then waited for approximately five hours, until he noticed that people were getting into the vehicle. He could not see who got into the vehicle, but could hear them speaking in English. They started moving but stopped shortly for approximately 2 minutes and then proceeded for approximately another two hours until they arrived at the checkpoint. ALONSO-DUENAS stated that he was in fear for his life but able to breathe and knew how to open the vehicle in case of an emergency.

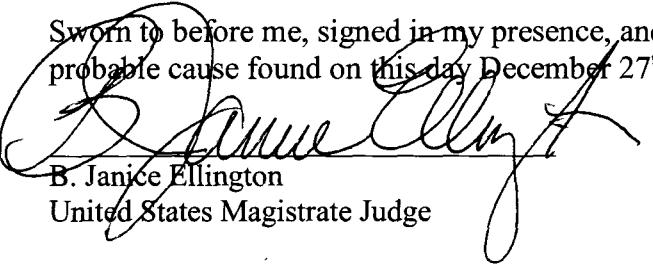
DISPOSITION:

The facts of this case were presented to Assistant United States Attorney Brittany Jensen who accepted prosecution on Maria Ortiz and Salvador Ortiz for violating Title 8 USC 1324, alien smuggling. Juan Carlos Alonso-Duenas and Marcos Alonso-Duenas were held as material witnesses in this case.



Eberto R. Cabello
Border Patrol Agent

Sworn to before me, signed in my presence, and
probable cause found on this day December 27th, 2016.



B. Janice Ellington
United States Magistrate Judge